



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND

ENVIRONMENTAL AFFAIRS

Department of Agricultural Resources

**State Reclamation and  
Mosquito Control Board**

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STATE RECLAMATION AND MOSQUITO CONTROL BOARD (SRMCB)

**Subject: Summary Meeting Minutes**

**Date / Time:** Wednesday, March 19, 2008 @ 10:00 AM

**Place:** UMASS Eastern Extension Center  
240 Beaver Street, Waltham, MA

**Attendees:**

SRMCB Board: Mark Buffone, Department of Agricultural Resources /SRMCB, Chairman  
Glenn Haas, Department of Environmental Protection / SRMCB Member  
Anne Monnelly, Department of Conservation and Recreation / SRMCB Member  
Alisha Bouchard, SRMCB, Project Administrator

**Mosquito Control Project Commissions:**

Richard Pollack, Mosquito Advisory Committee / Norfolk County MCP, Commissioner

**Mosquito Control Project Directors/Superintendents / Assistants:**

Walt Montgomery, Northeast MA Mosquito Control & Wetlands Management District  
Gabrielle Sakolsky, Cape Cod Mosquito Control Project  
Tim Deschamps, Central MA Mosquito Control Project  
David Henley, East Middlesex Mosquito Control Project  
John Smith, Norfolk County Mosquito Control Project  
Bruce Landers, Suffolk County Mosquito Control Project  
Jake Jurgenson, Berkshire County Mosquito Control Project  
Wayne Andrews, Bristol County Mosquito Control Project  
Ellen Bidlack, Plymouth County Mosquito Control Project  
Jo Ann Fawcett, Plymouth County Mosquito Control Project  
Dave Lawson, Norfolk County Mosquito Control Project  
Jack Card, Northeast MA Mosquito Control & Wetlands Management District  
Tim McGlinchy, Central MA Mosquito Control Project  
Nate Boonisar, Norfolk County Mosquito Control Project

Others: Cindy Stinson, Massachusetts Department of Public Health (MDPH)  
Dr. Al DeMaria, Massachusetts Department of Public Health (MDPH)  
Taryn LaScola, Pesticide Enforcement, DAR  
Dake Henderson, GIS, DAR  
Michael Rock, CFO, DAR/SRB

**1.0: Call to Order, Attendance and Opening Remarks.**

- 1.1: **Call to Order:** Chairman, Mark Buffone began the meeting welcoming everyone, officially opening the meeting at 10:00 AM and stated that the meeting was being held at UMASS Eastern Extension Center, 240 Beaver Street in Waltham, MA. Also, he announced the meeting has been posted accordingly at both the Secretary of States office and the Executive Office of Administration and Finance pursuant to the Open Meeting Law.
- 1.2: **Attendance:** The Chairman noted three members of the Board were present allowing for a quorum for voting purposes; each Board member was introduced. After acknowledging and thanking those in attendance the Chairman asked those in attendance to sign the attendance sheeting; noting that the Board would like to maintain the attendance sheet as part of the record.
- 1.3: **Opening Remarks:** The meeting agenda was distributed while Chairman Buffone gave opening remarks stating that normally we go right to voting on meeting minutes and agenda items. However, today we have representatives here today from the Department of Public Health and will skip to agenda item #4.

**2.0: Vote to Approve January 16<sup>th</sup>, 2008 Minutes.**

- 2.1: **Background:** Chairman Buffone proceeded to agenda item #2 calling for the Board to vote to accept minutes / summary for meeting held on January 16, 2008.
- 2.2: **Questions and Discussions:** None.
- 2.3: **Action Taken:** Glenn Haas made a motion to approve the minutes. Motion seconded by Anne Monnelly and voted unanimously to approve.

**3.0: Vote to Approve Commissioner Re-appointments**

- 3.1: **Background:** Chairman Buffone proceeded to agenda item #3 calling for the Board to vote to approve Commissioner Re-appointments. The Board on October 31<sup>st</sup> after its Board meeting had the opportunity to interview two Commissioners that were up for re-appointment; Christine Fagan from Bristol and Norman P. Jacques from Norfolk whose new appointment terms will expire 11/30/2007.
- 3.2: **Questions and Discussions:** None.
- 3.3: **Action Taken:** Chairman Buffone made a motion to approve the Commissioner re-appointments for another five years for Christine Fagan from Bristol County and Norman Jacques of Norfolk County effective today and also send letters of certificate of appointment within 10 days of specifying the terms of appoint. Terms of appointment will expire on November 30<sup>th</sup> 2012. Motion seconded by Anne Monnelly and voted unanimously to approve.

- 3.4: **Further Questions / Discussions:** Meeting participants from the Districts and Commissioners present asked the Board to speak to the expectations of Commissioner's attendance at meetings. There was concern of excessive absenteeism that impacts Commission meetings. The Board referred to the roles and responsibilities of Commissioners relative to the requirement that attendance is required and Commissioners must regularly attending meetings.

The Board agreed to review or request attendance records of those Commissioners up for re-appointment prior to new appointments.

Chairman Buffone updated the Board and Districts relative to the tentative schedule for upcoming Commissioner appointments.

**4.0 Massachusetts Department of Public Health (DPH) Budget Shortfalls & Impacts on Arbovirus Surveillance and Proposed Fee for Testing: MCP Discussion and Feedback**

- 4.1 **Background:** Chairman Mark Buffone, stated that agenda item # 4 was a follow up discussion to last weeks e-mail communications sent to the MCPs from the Chairman regarding a letter received from Mary Gilchrist, Director of the State Lab at MDPH asking for assistance relative to MDPH Budget Shortfalls, Impacts to the Arbovirus Surveillance Program and a Proposed Fee for Testing Mosquito Pools.

The Chairman further stated the goals of today's discussion are to get a clear understanding of the fiscal situation MDPH faces, how the Board and MCP's can assist and may be impacted, including MCP's ability to manage changing conditions relative to arbovirus surveillance and/or their ability to absorb any new associated costs for testing mosquito pools. In addition, a mechanism for assessing fees to the MCP's will be explored. The Chairman noted that the Board wants to hear from the MCP's before it acts on any proposals related to this matter. The Chairman invited DPH representative's Dr. Alfred DeMaria and Dr. Cindy Stinson both from the DPH State Lab to attend today's meeting and help to clarify the issue(s), facilitate discussions and answer questions.

In summary, as it relates to the MDPH letter, he stated that the state lab has indicated it is enduring significant funding shortfalls for various reasons. However, even with funding cuts the State Lab is committed to minimizing the impacts to the Arbovirus Surveillance Program to the degree possible. As the MDPH letter highlights, MDPH has taken great care in the planning to minimize the negative effects to the public caused by budget shortfalls. Such care includes processing up to 400 mosquito pool samples for each MCP's at no cost during the 2008 mosquito season. This measure allows for cost saving to MDPH while preserving core capacity activities important to arbovirus surveillance both for West Nile Virus (WNV) and Eastern Equine Encephalitis (EEEV).

The MDPH has asked the Board and the MCP's for assistance in implementing anticipated reductions, and identifying strategies to better utilize the fewer resources available while exploring other mechanisms to support testing that is above the 400 samples cap previously mentioned. One mechanism mentioned before this meeting was an inter-agency agreement between SRMCB, DAR and MDPH to actually charge a fee to MCP's for additional testing. Given the situation, Chairman Buffone remarked that the Board wants to gather as much information as possible on the issue and more importantly wants to hear from the MCP's directly impacted by the situation prior to any support for terms of changes mentioned in the MDPH letter.

Chairman Buffone further commented that perhaps some of the districts can live within the 400 pool limit given discussions with other Board members and MCP's; review of MCP's own surveillance efforts including refinement of such practices, incorporation of some changes and modifications of activities to keep collections under 400 given this amount appears to maintain core capacity for what is needed to protect and alert the public relative to virus in the environment.

Ideas that may be implemented include; prioritization and focus on mosquito species that make the most sense in terms of collections and detecting virus and designation of prime areas of concern.

This may include narrowing down specific communities with known risk of virus versus sampling in every community. Such action may require outreach and education by the MCP's given certain local communities may be accustomed to receiving information specific to positive and negative virus in their city or town.

Another cost-saving option is reducing the time period for collections; for example during the earlier part of the mosquito season the month of June is very unlikely to detect EEEv. Whereas, July, August and the early part of September, it is more probable to detect virus; and we can differentiate between WNV and EEEv. If you take a 16 week mosquito season and shrink it down to 9 weeks that might accommodate us to stay within the 400 samples.

Given that some Districts like Berkshire do not do any sampling and maybe Cape Cod's sampling might not be as critical as Bristol, Plymouth, or Norfolk, the Chairman suggested perhaps would allow the opportunity to considering some of the ideas previously mentioned.

Chairman Buffone, while expressing appreciation for having worked together over the years and the relationship with MDPH, was forthcoming in acknowledging his concerns with the idea of assessing a fee does set a precedence and the concern being it could continue, increase and in the future be 'no more free samples' - with all samples having to be assessed a fee. Next, the Chairman turned the meeting over to MDPH representatives Dr. Stinson and Dr. DeMaria for their presentation.

- 4.2 **MDPH Presentation:** Dr. Al DeMaria, Director Communicable Disease Control, MDPH began by indicating he was here on behalf of Mary Gilchrist, the Director of State Lab and Dr. Cindy Stinson who is Director of the Arbovirus Program, MDPH. Dr. DeMaria explained how MDPH got into this situation before turning it over to Dr. Stinson to talk about some of the proposed changes and specifications at the State Lab; and how we can get through this budget shortfall and maximize public health, mosquito control and environmental concerns. It was reported that since July 1<sup>st</sup> in this current fiscal year the combined Bureau of Laboratory Sciences and Communicable Disease; by the way we share multiple federal and state accounts, all the federal accounts are earmarked for specific purposes and we have deliverables under our cooperative agreements, so although we can leverage a lot with that funding we are restricted with things we can't do; for example with federal money we can't pay for utilities or rent costs all that has to come out of state funds.

Most of, about two thirds of the state funds are for the purchase of vaccines with some state funds earmarked for clinical services; TB and STD clinics those activities, plus the supplies for the laboratory. A year ago this coming June we were looking at federal cuts and we sort of worked out a balanced budget where we would be level funding almost all our activities because we did get an increase in state funding through the health care reform. Since July 1<sup>st</sup> we have sustained a net loss of \$3

million dollars both because of federal budget reductions in our grants, as well, to the tune of over \$2m dollars, as well as, increased facility costs due to the fact we have to pay our share which is 51.23% of the building in terms of fuel and utility costs to UMASS who owns the building. That resulted in, other things that happened, we had a 9% across the board increase in the fringe benefit rate that we have to take from our federal grants; so that resulted in October a sudden 6% drop across the board in our federal funding; which was 50% of our funding which is now 46% of our funding. So, it's a long way of saying we are going to struggle; we have more obligations than revenues to cover those obligations.

We have looked hard and deep at everything we do and focus on our core functions. We did things like totally eliminated the immunization registry, down about 17 positions - we had a number of vacancies, so we didn't have to lose any many people as we could have; but we are down personnel where we were a year ago. And we cut a lot of other programs, that we do, we cut travel - we cut all the things you usually do - we cut 50% of all our materials, productions, educational materials and distribution; shifted from mailing things to the internet.

So we are trying to manage in a number of ways; but we looked hard at the Arbovirus Program which we have a long commitment too, starting in 1957 with testing for public health service testing station in Taunton we have been every year testing mosquitoes for EEE. And since 2000, testing birds and mosquitoes for WNV so we looked very carefully at what could we do to save money and still provide the surveillance necessary to track mosquito born illnesses and provide the services to the MCP's in terms of testing so that we get the info and they get the info that we need to do what we need to do to protect the public from WNV and EEEv. Dr. Stinson came up with a plan that met our needs to save money and to meet the basic needs of the program. And, again things happened rapidly in regards to the fees we really tried hard to meet the shortfall.

Dr. DeMaria continued, if funds become available in the state budget for the state lab we'd restore the full service of the arbovirus program; if it does come to pass in the next fiscal year, we'd seek to restore testing related to arbovirus surveillance. So in essence that is how we got into this circumstance. The only funding that we get in all the accounts that is earmarked for arbovirus surveillance is WNV funding thru a cooperative agreement with the CDC; it's the only dedicated money to arborvirus surveillance basically it pays the bulk of 5 personnel and most of the material cost for doing testing, and other things. That funding has been cut steadily over the last few years; in the last 2 years there have been two 50% reductions in that funding. The bottom line is here we have to find other kinds of savings.

Dr. Stinson began by indicating she'd walk us through some of the changes and stated this is not something we are happy with. Dr. Stinson continued by saying; we were basically given information and tried to come up with what we could so that we could provide the core surveillance services that we all need. Starting with seasonal staff changes; the first change we did have a seasonal staff of 8 we have cut that back to a total of 4; and the way that we did that is we took a look at our historical surveillance data keeping in mind for WNV where we actually saw human cases and again wanting to keep our long term trap sites in mind and keep that surveillance going. So the first change we did was to cut back on lower risk WNV areas in which are located in Western Massachusetts and where we were actually testing weekly. We had 5 trap sites (sites that we took over from Charlie) in Western MA we will continue to go out there but it will not be on a weekly routine basis. The other staff cut that we took

were we had 3 personnel staff in the WNV hotline. We think the hotline serves an important function not just because of the birds that are being reported but also of the way we communicate with the public and our staff talks to the public about which asks numerous questions about WNV, etc. We cut back on WNV staff and have been working with a messaging service with an operator we can work with and can take live calls. We worked with them to set up 75 different screens for the operator to reference when taking and answering the public's calls. They also provide us a database each day on the calls received. In the past, staff could take live calls during the week; this year we cannot do that. This year will go with the live operator system; 24/ 7.

Dr. Stinson went on to say; we will continue calls for dead birds and birds that qualify we'll bring in for testing. Regarding Changes in testing for birds; we are maintaining something that some neighboring states do not do because we think it is important. Birds that qualify for testing was opened up to Robins; based on research we did. Will not be testing robins this year we will continue with crows and blue jays. One way to save on costs is by focusing on birds we know are more likely to show results. Now, one positive finding that bird will count not only for the town it's found in but surrounding towns. Thing about the flight range of birds and how we actually do surveillance we never focus on just one town. This is something that will also help us reduce the number of bird specimens so we can really focus on critical mosquito species. One staff person will monitor the WNV hotline and can assess some calls and triage those calls for the birds that qualify work with depository and packaging to get the birds out.

Next, Dr. Stinson followed up with what Dr. DeMaria had mentioned by saying communicable disease staff took cuts as well and lost two part-time positions because of that they have minimal staff. As a result, in the past if there was a positive finding they'd call the local board of health for that town; but because now they have less time - they will verbally notify each town for the first positive after that they just don't have the staff to make the calls. So after that the towns will get the HANN message alert and that is something we want to talk to the MCPs about; our health alert network and we'd like the MCPs to feed into that system as well. But as far as our notifications to you that will continue this year as we have in the past. Also, next arbovirus planning meeting is next Monday, March 24<sup>th</sup> from 9:30 to 11am at the state lab. One thing we'll talk about in more detail is ways we can reduce the number of pools. I think Mark did a great job going through some of those which is, looking at the first positives, looking at higher risk focal areas of concern for both WNV and Eastern, species, pool sizes really trying to max out your pool sizes rather than on submitted fewer species and again there can be geographic batching, and we are looking into batching in the lab as well. So we want to talk to you in more detail about all of those.

EEEv testing will continue to preserve the long-term trap sites. She stated that they would continue this surveillance so that there will be no change in what we provide you.

- 4.3 Questions / Discussions:** An extensive discussion, with a number of questions and comments between meeting participants and MDPH pursued resulting in the following summary of highlights categorized below:

**Ramp Testing:** Chairman Buffone addressed the topic of Ramp Testing by saying the Board may be asked by the Districts to inquire into doing their own testing whether its

Ramp testing or something else. The Board made a decision in the past to prohibit it. One main reason was because our sister state agency did not want to validate those kinds of tests. Another reason the Board did not support Ramp is because we wouldn't want to create a situation where a field test says one thing and the state agency that does the testing says we don't recognize that test. If this comes up the Board would want to know if there was a change in position and/or would MDPH validate or confirm if positives were found.

**Mosquito Control Districts Feedback:** Chairman Buffone turned the discussions to the MCP's for each Districts input as to their ability to managing changing conditions relative to arbovirus surveillance and/or their ability to absorb any new associated costs for testing mosquito pools.

**Walt Montgomery, Supt. NEMMC & WMD:** We typically do about 800 collections and we anticipate continuing to do 800; don't have any problem paying \$25 to do additional testing and will budget \$10,000 to do additional testing because \$25 is a reasonable fee to get testing. So we don't anticipate decreasing our level of testing for virus so that should avoid the Ramp issue. We can certainly wait till later in the season to do testing; but we are a service industry we do service before we do mosquito control; our towns are demanding more and more surveillance that's what they want. We have towns that want us to do surveillance and not do anything else. So we are in a situation we have to provide more surveillance in those communities that want it. So, we will figure out a way to budget for this and we'll move forward with it.

**Bruce Landers, Supt. Suffolk:** Most of the information comes out of the gravid traps; very high gravid trap count last year we had 200 that still is only four pools and I have ten other gravid traps running all the time so we probably won't need the 400. Not sure how many less we could get by with; have to talk with my Commission it may be better to expand the program and not send you any samples till the end of June. I can potentially reduce pools and would be willing to donate some pools to other Districts; as long as, it is actually going to save money.

**Gabrielle Sakolsky, Assistant Supt. Cape Cod:** I already send a minimal number of mosquitoes and look at the species that are a priority; I don't send in a lot of samples. My base year was the 2006; because I put out more traps that year because of more mosquitoes. But I don't submit more than 400 a year anyway. I estimate 300 pools. But I try to keep it at a minimum; I realize that I am outside the epizootic area in Southeastern Massachusetts but in reality I am the only one collecting mosquitoes and submitting them for my tally. I've been asked to help out w/ Martha's Vineyard last year and other areas; so I don't really see reducing the number I usually submit.

**Ellen Bidlack, Acting Supt. Plymouth:** Haven't had a chance to speak with my Commissioners yet; I anticipate we are going to try and stay below 400 probably by not sending in anything until the 2<sup>nd</sup> week of July. And we'll probably focus on WNV testing because from what DPH just said they are going to maintain their EEEV traps and so I think that will be our strategy unless my Commission says I can go over.

**Wayne Andrews, Supt. Bristol:** I looked at my numbers yesterday and certainly w/ out much trouble I could be at 400; if need be I would have no problem paying \$25 per pool even up to 600 it would not phase me. The quality of the service, the 24 hour turn around - no one can get that in the United States anywhere; means to me you can act quicker. There may be some situations where I may be doing more adulticiding

because I don't know an area is negative instead of going w/ samples I might just move trucks into those areas, somewhat. 20% probably not but I could see that happen at maybe a 10% increase in adulticide; I'll just make that decision depending on how much WNV we have in the major cities. I am fortunate, as Ellen said, they are going to keep their EEEV surveillance going so I get a lot of mosquitoes tested and there is a lot of WNV so I wouldn't have any problem going up to 600; I think we did 578 last year.

**Tim Deschamps, Supt. Central MA:** I am looking at a pretty significant reduction; last year we submitted nearly 1,100 pools. I am covering over 700 square miles. I cannot be looking at reducing trap sites; going to regional traps would just not work for me. Surveillance has been number #1. It is the one thing everyone agrees on, is a worthwhile project and very necessary. I could certainly look at; I know some of our pools sizes don't meet the 50 criteria I can sit down and talk to Curt about how we can try to increase on those but right now I am looking at trying to find some money or take money away from an area we had hoped to expand and increase services elsewhere. It's going to be a juggling game at this point.

**Dave Henley, Supt. E Middlesex:** We can stay within the 400. I think we've been staying within it in the last few years anyways. We tend to do all of our trapping during July, August and September and each year is different. We focus on the primary vectors *Culex* and *Culiseta melanura*. The one thing that might be a savings is coordinating better with State lab staff Matt Osborne where he is trapping.

**Jake Jurgenson, Supt. Berkshire:** We don't conduct mosquito sampling; if we are going to get 400 samples I'd just assume donate it.

**John Smith, Supt. Norfolk:** Batching, and increasing the pool size would be very helpful to us.

**Chairman Buffone:** Adding up quickly after this discussion, it appears between Berkshire, Norfolk, Bristol, E Middlesex, Suffolk and the Cape I come up with 1,700 pools; give or take 25 here or there. 3,200 is the total amount allotted if you subtract 1,700 from 3,200 that gives us 1,500 with Central and the Northeast so that probably isn't enough for you two to split 800 a piece.

**Batching Size:** Various questions and comments were discussed relative increasing the pool sizes of mosquitoes submitted for testing.

**Walt Montgomery, Supt. NEMMC & WMD:** There has been a recent study published by Roger Nasci at the AMCA Meeting where they found that if they could find one positive mosquito in pools of 500. So wouldn't it be effective to increase pool sizes to 100 mosquitoes rather than 50?

**Dr. Stinson:** I can only tell you that right now we are limited by the size of our tubes that we use so the instrumentation is set for that. But I would bring that back because that is something we have talked about and the last week when I checked we were really restricted by the tube size. Definitely, would like to talk to you about that.

**Chairman Buffone:** Was that study in the AMCA Meeting this year? Can we get a copy of that and send it out to everyone including public health.



Dr. DeMaria: It's a matter of the instrumentation; the reason why we have such rapid turn around is because of bio-terrorism surveillance funding getting the equipment we now use for mosquito testing it's not really designed in the sense for a size. Definitely, we should look at that and we should maybe consider extraction procedures to get around that.

Chairman Buffone: I think we have analyzed thoroughly the situation and the Board appreciates everybody's feed back. Does the Board have any further comments?

Mr. Haas: Well let's deal with facts; it seems like we can get through this without paying a fee but even if we have to pay I think that it sounds like people are willing to do it if they have too. We simple have to be somewhat aware of two different things; one is what samples do we need to take and what samples do we need to take because of community expectations that may include us taking more than may really be needed.

Ms. Monnelly: I agree it sounds like we are hearing from everybody that we should be able to make it through this season. I do think we should probably look into if you may be able to pay for more you can and the mechanism for doing that. Also, how long does it take, how do we do that I would agree we should start looking into that whether we want to do that as a precaution, depending on how long it takes or is that something we can wait and see how things are going and maybe set something up later in the season if we need too.

**Additional Questions / Discussions:** A brief discussion regarding how an ISA is put together between agencies and a discussion among Board members regarding impacts to GEIR and MEPA reporting relative to this situation or not.

Chairman Buffone: At this point we need something sent to DAR fiscal folks to make sure and I need to meet with my Commissioner to provide more information and feedback that we received from the Districts and where we stand as far as the assessment of the fee. And then we can follow up with folks in terms making sure we are all in agreement.

Dr. DeMaria: I think you were right in the first discussion; I think we should not talk about covering a fee but covering a cost rather than a fee for a variety of reasons.

Michael Rock, CFO: I wanted to listen to what all the Districts had to say but I still come from point of view that I am opposed to this at the present time. I think once this revenue stream is established its here for good and it will only go up in the future even if the lab is allocated additional funding I am very doubtful it will go back to mosquito testing so I was opposed to this and working against it. But if the Districts can live with it then that is up to them.

Chairman Buffone: We need to report this back to our Commissioner to give him a better understanding as to what the feedback has been and weigh it against what Mike has just brought up the idea of a revenue stream being forever.

Dr. DeMaria: Well you know, it's renewable every year. And we want to do what we can

Chairman Buffone: I concur that you have done a fantastic job and we do appreciate being a partner. Frankly, it's a very significant thing to have detection of arbovirus especially with something as serious as EEEV. I think with that we should take a 2 min recess allow you all if you want to leave.

Mr. Haas: One final comment; I am hoping that because I think we are really close instead of starting a whole new methodology that 3,200 is not 3,200 and twenty five and that we have to go find twenty five dollars.

**4.3 Action Taken: None.**

**5.0 Standards for ground application exclusions 333 CMR 13:03 (2) (b) and Mosquito Control Projects and DAR approved Marking Devices:**

**5.1 Background:** Chairman Buffone provided background on pesticide regulations for excluding mosquito control spraying.

The regulation he noted is section 333CMR 13.03 (2) (b),

General.

(a) Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall not be made to private property, which has been designated for exclusion from such application by a person living on or legally in control of said property.

(b) Designation for exclusion from Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board may be made by supplying the clerk of the municipality in which such lands lie with a certified letter providing the name, address, and telephone number (if any) of the person requesting the exclusion, the address of the property to be excluded, and a description of the types of pesticide application programs for which exclusion is requested.

(c) Designation for exclusion may be made prior to March 1st of each year and shall be effective from April 1st of that year through March 31st of the following year.

(d) A designation for exclusion made by a tenant shall not be deemed to limit the right of the landlord to apply, or authorize the application of, pesticides to that land if by the express or implied terms of the written or oral rental agreement the owner retains the right to apply or authorize the application of such pesticides

Marking Areas for Exclusion. All areas designated for exclusion from Wide Area Applications of pesticides and mosquito control applications of pesticides approved by the State Reclamation and Mosquito Control Board shall be marked as follows:

b) Ground Applications. The person requesting exclusion shall mark the boundaries or areas to be excluded at least every 50 feet with orange surveyor's tape or another Department-approved marking device which clearly defines the area of exclusion. These markings shall be made known to the Contracting Entity, who shall be responsible for communicating the details of their marking to those who will carry out the application.

Requests for exclusion shall not be honored in those cases in which:

(a) The Commissioner of Public Health has certified that the application is to be made to protect the Public Health;

To help facilitate the discussion and to help us understand clearly the issue, Chairman Buffone asked Taryn LaScola (Pesticide Enforcement Official) to attend this morning meeting to discuss this matter in person and to answer any questions. He noted for the record that Board appreciates Taryn taking time out of her busy schedule to be here. He also encouraged the MCPs to continue to build a strong rapport with the Pesticide Bureau enforcement staff in order to be clear on pesticide regulations for the purpose of complying more effectively with the pesticide regulations.

The Chairman did emphasized to the Board that MCPs have done a very good job with complying with this pesticide regulation and others. However, this year it got some media attention and a few public concerns were expressed to DAR.

The Chairman continued stating that the issue arose because of questions from the media due to MCP notices and alerts in the newspaper at the beginning of the mosquito season. Usually, when the MCP notifies the print media as they do on annual basis, it does not cause any undue attention. Also, some of the public who read the notices will call DAR because the phone numbers were listed and also town clerks called apparently confused.

This is the issue that has come about because one individual in particular expressed concern about 1.) orange surveyors tape wouldn't work at night how are the Projects going to see it, 2.) individual neighbors were upset that the resident was putting unsightly orange tape on property 3) unclear as to how much tape should that needed to put up and also 4) the confusion w/ orange surveyors tape w/ wetland work in general.

Chairman Buffone explained that the Board does not intend to vote on any part of this issue today, but thought it was important enough to discuss and perhaps ask the MCPs to consider a few things to help alleviate future problems such as:

- providing more explanation in their annual notices to the media to minimize public questions and allay their concerns
- removing the DAR phone number and list only the MCP phone number
- provide clearer explanations on MCPs websites on the regulation affects the public
- Consider the adoption of other approved Pesticide Board/DAR marking system

He continued saying that one of the expressed concerns was the fact the regulation requires the homeowner who desires to be excluded from ground applications to **mark the boundaries or areas to be excluded at least every 50 feet with orange surveyor's tape** or with another Department-approved marking device which clearly defines the area of exclusion. These markings shall be made known to the Contracting Entity, who shall be responsible for communicating the details of their marking to those who will carry out the application.

The **other Department-approved marking device which clearly defines the area of exclusion** led to a discussion of using a GIS / GPS system instead of the orange tape and pie plates in the past.

After discussion, it was apparent that MCPs had their own procedure and further that many of the so-called excluded properties were not legal ones In other words, they did not supply the clerks of municipalities with a certified letter.

Chairman Buffone spoke to the fact that if it comes to be that the MCPs want to have approved another marking method, it appears the Department of Agricultural Resources will need to approve. A number of questions were generated. For example, if MCPs marked the properties using GPS? What do they do next? Put it on a map? Would be available on an onscreen monitor in the spray vehicle? Where does the map go? Will it go on the wall of the field office or will it go with the employees in the vehicle? How often will it be updated? Will they have a standard operating procedure where technicians review it prior to each night? Will they have onboard GPS for verification and how will they use it?

## 5.2 Questions / Discussions

The agenda item generated a lively discussion. It was generally agreed that MCPs should move in the direction of using a GIS/GPS marking systems and there is a desire to have as uniform approach. It was recognized that the MCPs have different GPS capabilities and have different systems. Further, not all MCPs have the equipment upgrades and technology to use GPS to meet the intent of the requirement. It was conceded that it is in the best interest of the MCP to be able to verify that they have indeed excluded a property whether legally excluded or not. Finally, upgrades to GPS software on spray trucks would likely be phase in as budgets allow and purchased As this technology becomes available over time as some manufacturers are working on upgrades to the GPS tracking systems which will allow the equipment to shut off automatically when equipment enter into one of the excluded areas.

## 5.3 Action Taken: None.

## 6.0: Data Release Agreements Natural Heritage Endangered Species Program

**6.1: Background:** Chairman Buffone explained that the Board/DAR and MCPs have been working more closely with the Natural Heritage & Endangered Species Program (NHESP) in the Division of Fisheries & Wildlife, specifically with Dr. Tom French, Sarah Haggerty, and Misty Anne Marold.

Following up from the January 7<sup>th</sup> training and presentation, NHESP have sent data release forms that need to be signed. He stated that there are two parts to the data release, one is the agreement between NHESP and DAR, and the other is a memorandum that goes between DAR and anyone working with DAR on the project (usually it's contractors, in this case, it would be the mosquito control districts).

The key is to protect the data sent to DAR and insure that mosquito control districts also protect the data and uphold the data release agreement. Chairman Buffone announced that he sent forms to the mosquito control districts and asked Dake Henderson, DAR GIS Manager to attend to answer any questions since he would be coordinating receipt and distribution of the GID mapping data.

Finally, the Chairman wanted to put on the record our actions today. For example, he noted that there is no objection from the Board for me to sign the data release agreements and that the Board has collected signed forms from the mosquito control districts in order to release data this morning

**6.2: Questions and Discussions: NONE**

**6.3: Action Taken:**

The Board collected signed disclosure forms from the mosquito control districts.

**7.0: Next Meeting Date:**

**7.1: Background:** Chairman Buffone announced that the next meeting date was scheduled for May 21<sup>st</sup>, 2008 and would focus on the Certification of FY 09 Budgets and that the meeting following is scheduled for October 15<sup>th</sup>, 2008.

**7.2: Questions and Discussions:** None

**7.3: Action Taken:** None

**8.0: Adjournment.**

**8.1: Background:** The Chairman asked if there were any other comments or questions before the Board officially adjourns the meeting.

**8.2: Questions and Discussions:** Walter Montgomery asked if the Board would place the Board's administrative budget on the next agenda and to also provide update on the current pay increase moratorium. Walter wanted a discussion about the Boards proposal to increase their budget and remarked that we could all agree to disagree whether its state money or town money but there is one thing that is indisputable is if you increase your budget it comes from our budget. The projects administrator, Alisha Bouchard interjected that the Board has not requested an increase in funding. She further commented that Walter was perhaps observing funds that have rollover from past fiscal years since there was no increase for this fiscal year.

Chairman Buffone stated that the Board could put an item on the agenda called administrative issues to try and give a status report on all many of these issues

**8.3: Action Taken:** Glenn Haas made a motion to adjourn the meeting at NOON. The motion was seconded by Anne Monnelly and voted unanimously.

Respectfully submitted,

Mark S. Buffone  
Chairman